

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JULIE K. SALTER, §
§
Plaintiff, §
§
versus § CIVIL ACTION NO. H-07-1680
§
MICHAEL J. ASTRUE, Commissioner §
of the Social Security Administration, §
§
Defendant. §

MEMORANDUM AND ORDER

Pending before the Court is Defendant Michael J. Astrue's, Commissioner of the Social Security Administration ("Commissioner"), Unopposed Motion to Reverse and Remand (Docket Entry No. 9), brought pursuant to "sentence four" of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Plaintiff Julie K. Salter ("Salter") filed a lawsuit seeking judicial review, reversal, and remand of an administrative law judge's ("ALJ") denial of a request for social security disability benefits. The Commissioner requests a remand because additional evidence submitted to the ALJ via facsimile on April 12, 2006, was never considered by the ALJ or entered into the record. *See* Docket Entry No. 9.

In light of the foregoing facts, it is clear that remand is appropriate in this case. On remand, the ALJ shall consider all evidence previously submitted as well as any new evidence Salter wishes to submit. It is, therefore,

ORDERED that the Commissioner's Unopposed Motion to Reverse and Remand (Docket Entry No. 9) pursuant to "sentence four" of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) be **GRANTED**. Further, it is

ORDERED that the ALJ's decision is reversed and remanded to the Commissioner for supplemental review, hearing, and determination consistent with that set forth in his Unopposed Motion to Reverse and Remand (Docket Entry No. 9). Finally, it is

ORDERED that this matter is **DISMISSED** from the dockets of this Court.

SIGNED at Houston, Texas on this 7th day of August, 2007.



CALVIN BOTLEY
United States Magistrate Judge